APPROVED: Meeting No. 14-92

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ATTEST:

MAYOR AND COUNCIL ROCKVILLE, MARYLAND Meeting No. 12-92

March 23, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on March 23, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

ABSENT

Councilmember David Robbins (Business Travel)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

- 1. This coming Sunday, the City is sponsoring a Celebration of Family Day from noon to 5:00 p.m. The Mayor and Councilmembers are requested to be present at 1:30 for special introductions.
- 2. This coming weekend is also the annual Fritzbe's 10K Run. A considerable amount of advanced planning has been undertaken to minimize disruption to the neighborhoods being used for the race.

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3. Finally, about a year ago, Assistant to the City Manager Cheryl Lampkin was chosen to participate in the Executive Leadership Institute of the National Forum for Black Public Administrators. In connection with this program, Ms. Lampkin recently gave a presentation on the City's Citizen Service Request System, and, as a brief introduction to Rockville, she worked with Doug Breisch and Jeff Baldwin of the City's Cable Office to put together a two-minute video. (At this time, the video was shown.)

Re: Proclamation declaring the week of April 5-11, 1992, a s M U L T I P L E S C L E R O S I S AWARENESS WEEK.

Proclamation No. 2-92

By a unanimous vote of the Mayor and Council, the week of April 5-11, 1992, was declared "Multiple Sclerosis Awareness Week" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Marianne Casey accepted the Proclamation on behalf of the National Multiple Sclerosis Society. The Multiple Sclerosis Society will hold its 4th Annual Super Cities Walk on Sunday, April 5, to provide funding needed for the Society's programs and research efforts and to demonstrate the community's support for people with MS and their families.

Re: Proclamation declaring the month of April as SISTER CITIES SPORTS EXCHANGE MONTH.

Proclamation No. 3-92

By a unanimous vote of the Mayor and Council, the month of April was declared "Sister Cities Sports Exchange Month" in Rockville. Councilmember Krasnow read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Brodie

Mullican, Sports Coordinator, accepted the Proclamation and introduced the ten area high school girls who will be traveling to Germany in April to participate in the basketball exchange with Rockville's sister city, Pinneberg, Germany.

Mr. Mullican thanked the Rockville Sister City Corporation, the Mayor and Council and the Public Information Office for their support. He noted that donations had been received from Rockville Recreation, St. Mary's CYO, Elks Club, American Legion Post 86, Snowden Chambers, Senator Mary Boergers and the past host families.

Mr. Mullican outlined the itinerary of the exchange trip and distributed patches to the Mayor and Council commemorating the 35th anniversary of Rockville's sister city relationship with Pinneberg, Germany.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Dick Hovsepian, 2 Tweed Court, on behalf of himself and his wife, Viola, requested the assistance of the Mayor and Council in connection with the County's proposal to close the Twinbrook Library. Together with the schools, the library system is the basis of attractiveness of Montgomery County and Rockville as a place to live and raise a family. Libraries are more than recreation; they are a vital resource in developing and maintaining the skills of our community.

Mr. Hovsepian discussed the history of the Twinbrook Library from its early days in the basement of the Twinbrook Shopping Center to the deliberations in the selection of the current site.

Mayor Duncan commented that the City will do everything possible to keep the Twinbrook Library open. The County's other proposal to move the Bethesda business section to the

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Rockville Library would culminate in a drastic reduction in books and periodicals for general use at this library.

Mayor Duncan advised Mr. Hovsepian that staff is researching the County Council minutes on the issue of the Twinbrook Library. There was an agreement in 1957 in which the County agreed to make available library facilities within the City of Rockville at least equivalent to those transferred by the City to the County and to participate in further negotiations for the purpose of improving and expanding library services within the City of Rockville. In 1959, the Park and Planning Commission's Master Plan of Libraries for Prince George's and Montgomery counties recommended the location of a community library in the Twinbrook section of Rockville by 1964.

Mr. Hovsepian was asked if there was any discussion regarding the Twinbrook Library at the time the 1957 agreement was signed. Although there was no written agreement for a Twinbrook facility in the 1957 discussions, Mr. Hovsepian noted that there was discussion of the need for a library in the east section of Rockville. Mr. Hovsepian indicated his willingness to testify as to this oral agreement.

Councilmember Krasnow stated that the City is very committed to saving the library and petitions are circulating in this regard.

Discussion followed regarding the rationale for the proposed closing of the Twinbrook facility and the criteria the County uses in determining the location of libraries, i.e., circulation, demand, geographic location. It was also noted that the closing of the library could have an adverse economic impact on the Twinbrook Shopping Center.

2. Sandra Ewing, Site Manager of The Victoria, referenced parking problems at Courthouse Square impacting the plaza at The Victoria. She stated that the City approved the

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construction and, by virtue of this approval, has an obligation to provide adequate parking for businesses in Courthouse Square and their customers.

The City Manager outlined the available parking for patrons of the businesses in Courthouse Square.

Following discussion, Councilmember Krasnow stated that there is a parking problem which needs to be addressed in a constructive manner.

- 3. Walt Davis, 24 Courthouse Square, discussed the Courthouse Square parking and noted that someone had recently parked in the driveway of the parking garage to The Victoria. There is a need for a creative approach to resolve the parking situation in downtown Rockville involving representatives of the City, County, courts, business community, residents, motorists, pedestrians, etc.
- 4. David Freishtat, representing Marine Midland Bank, purchaser of the Rockville Mall at foreclosure, referenced the closure of Courthouse Square to through traffic. He cited the difficulty in leasing space in the Mall on the northern end as tenants like to see traffic in the vicinity of their businesses. The mall owners have responded to requests of General Services Administration and Blue Cross/Blue Shield to build Phase III of the Metro Center and, in this regard, have looked at redesigns of this area, including different kinds of access. Mr. Freishtat suggests that Neal Herst, Director of Community Development, work with the property owners to find solutions to the parking/traffic problems in Courthouse Square.
- 5. William Meyer, 804 Leverton Road, thanked the City for its testimony before the County Council on the fire tax district consolidation. The City should become more vigilant with respect to the County Council's activities, and he urged concerted action to prevent closure of the Twinbrook Library.

Another issue before the County Council is the proposal for a stormwater tax. The Stormwater Management Task Force has not yet reviewed this proposal, and Mr. Meyer wondered whether, under this proposal, Rockville would collect its own tax or would Montgomery County collect it for its own use.

With respect to the Lincoln Park school, the County plans to lease this building, which has been designated an historic site by the City, to a church from Laurel. He wondered how this would be accepted by the community.

Mayor Duncan responded that the building would have to be brought up to code prior to any lease, and the City will look into this matter. If it is the church he is thinking of, the pastor grew up in Lincoln Park. Buses from this church currently make pick-ups in the community, and it is really a neighborhood-based church.

As to the stormwater management tax, Mayor Duncan indicated that the City is in constant communication with County staff. The City's position is that such a tax should not apply to Rockville and, if it does, the tax revenues should be given to the City.

Regarding the fire tax district consolidation, Councilmember Coyle stated that he had earlier asked staff to review the feasibility of Rockville creating its own fire department and, based upon this latest action of the County, has requested that staff revisit this issue. He noted the importance of reviewing in detail how City services should be provided. Some jurisdictions have contracted such services to private businesses, and the City should be creative with respect to its fire/rescue services.

There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

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Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Floria McGuckian was reappointed to a two-year term on the Cultural Arts Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed,

Daniel Barnett and Mary Vaarwerk were reappointed to three-year terms on the Landlord-Tenant

Affairs Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Stanley Klein was reappointed to a two-year term on the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded, with Mayor Duncan abstaining as he was not present at the meeting, the minutes of Meeting No. 10-92 (March 9, 1992) were approved, as amended.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 11-92 (March 16, 1992) were approved, as written.

Re: Consent Agenda

Councilmember Marrinan requested removal of Item B from the Consent Agenda. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

A. Motion to approve purchase of additional disk storage from IBM Corporation for the City's mainframe computer.

This is a sole source purchase in the amount of \$22,304. Funds are included in the FY92 Data Processing appropriation.

C. Authorization to pay Maryland Environmental Services, Annapolis, up to \$42,385 for the transportation and composting of grass through June 30, 1992.

Maryland Environmental Service is the designated contractor for Montgomery County's composting project. The cost per ton is \$35 for an estimated 1,211 tons of grass received during FY92.

D. Introduction of Ordinance to Grant Application to Close and Abandon Public Way SCA-64-91, JB & Company, Applicant.

This application requests the abandonment of Mason Drive, an industrial street located on the north side of Southlawn Lane, approximately 300 feet east of North Horners Lane.

E. Proclamation No. 4-92, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council, declaring March 29, 1992, as CELEBRATION OF FAMILY DAY in Rockville.

This Proclamation will be presented at the Family Day celebration sponsored by the City of Rockville on March 29, 1992, from noon to 5:00 p.m. at the Rockville Senior Center.

Re: Award of Montgomery
County Bid No. 21377 for
Gasoline as part of the
Metropolitan Washington

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Council of Governments cooperative purchasing program.

Montgomery County, as the lead jurisdiction for gasoline purchases for COG, has awarded the annual cooperative contract Phoenix Petroleum Company for regular unleaded fuel at \$0.6172 per gailon and to Onyx Petroleum for mid-grade unleaded gasoline \$0.6574 per gallon. (City requirements for FY93 are 102,750 gallons and 34,250 gallons, respectively.)

Councilmember Marrinan had requested the removal of this item (B) from the Consent Agenda to note the sizable cost savings to the City of Rockville and other jurisdictions in the area as a result of COG's joint purchasing agreement.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Bid No. 21377 for gasoline as part of the Metropolitan Washington Council of Governments cooperative purchasing agreement was approved.

Re: Adoption of Ordinance to repeal Division 2, Article III of Chapter 2 of the Rockville City Code entitled "Alternative Community Service Commission."

Ordinance No. 2-92

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 2-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and

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Council, was adopted to disband the Alternative Community Service Commission due to a lack of case referrals.

Re:

Adoption of Ordinance to amend Chapter 15, "Personnel" of the Rockville City Code, Section 15-171, entitled "Retirement benefits" so as to provide for a retirement plan for non-merit employees not participating in the Social Security Insurance System in connection with their services to the City.

Ordinance No. 3-92

In response to Councilmember Coyle, the City Manager reviewed the basis for this amendment. As a result of new federal legislation which became effective in 1991, the City developed a FICA-like program for its non-merit employees which would provide the maximum benefit to them. The plan was approved earlier by the Mayor and Council and has been very successfully implemented. This ordinance would bring the Code into line with this new program.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 3-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to provide for a retirement plan for non-merit employees not participating in the Social Security Insurance System in connection with their services to the City.

Re:

Adoption of Resolution to establish the voluntary rent increase guideline for 1992-1993 of 3.9%.

Resolution No. 3-92

Staff reported that approximately five years ago, in response to numerous complaints,

public hearings were held to review a number of alternatives for dealing with the escalating rent increases. A decision was made to adopt a program similar to Montgomery County's which took into account the Consumer Price Index as an average rent increase. The Montgomery County Association of Realtors requested that the City adhere to the same guideline established by Montgomery County to avoid confusion in their property management operations. The guideline is voluntary, and there is flexibility to approve a higher increase should circumstances, such as extensive renovations, warrant it.

In response to Councilmember Marrinan's concern regarding the City's consistently higher average rate of increase, staff noted that the City has a smaller pool of rental housing stock primarily in the middle to upper price brackets. An analysis shows that this rate is higher than in some parts of the County and lower than other areas.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 3-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to establish 3.9% as the maximum rate of rent increase as required pursuant to Section 18-194 of Chapter 18, entitled "Rental Facilities and Landlord-Tenant Relations" of the Rockville City Code.

Re: Motion to approve 1992 Rockville Municipal Swim Center Fees.

The proposed 1992 membership and admission fees will become effective in April 1992, and new program fees will be implemented in June 1992 with the beginning of the summer program. A modest increase in membership, class and programs fees as well as scheduling modifications are designed to reduce the Swim Center's expenditure/revenue gap. Burt Hall, Superintendent of Recreation, outlined the proposed fee increases, noting that all fee proposals were designed to phase

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in to a fully self-supporting status for the Swim Center. The proposed rates are competitive, and staff is pursuing others methods to increase revenues while maintaining operating costs. Both the Swim Center Advisory Committee and the Recreation and Park Advisory Board concur in these proposed rate increases.

Councilmember Coyle was advised that the minimal increase in fees for the summer playground program had no impact on registration this past week.

Councilmember Krasnow referenced the daily admission pass, indicating that it is a great way for people to take advantage of the pool. She complimented staff on their excellent proposal.

Councilmember Marrinan indicated that the revenue enhancements were both imaginative and innovative. The Swim Center staff should be commended for making it available to so many people in a cost-effective manner.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the proposed 1992 Rockville Municipal Swim Center fees were approved.

Re: Adoption of interim procedures for stormwater management (SWM) to establish categories which can be used to evaluate requests for waivers of onsite SWM.

The City Manager reported that procedures to guide the stormwater management program were required as an interim measure while the newly appointed Stormwater Management Task Force is undertaking its review. The Task Force reviewed these interim procedures which establish three categories: type of regional facility; capacity of regional facility; and type of development being proposed. As an example, waivers going to a regional facility already in existence with remaining

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capacity involving a small development will tend to be recommended for approval. Waivers rated at the opposite end would generally be recommended for denial.

In response to Councilmember Krasnow, the City Manager advised that if a request did not fit into the three categories, it probably would not progress very far in the process. Applicants are given a prompt response by staff.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the interim procedures for stormwater management were adopted.

Re:

Approval of On-Site SWM Waiver Request No. 10-92 for a modular office building at the Public Works site, and acceptance of \$2,760 for the off-site SWM fund.

The runoff from this site is conveyed to the Public Works site SWM facility which was constructed in 1973 to handle the runoff resulting from all development (Waiver category: I-A-3). The City Manager advised that this is an example of using the categories, i.e, I-A-3. This is the Public Works facility on Rothgeb Drive with an existing stormwater management facility behind the salt dome. It has more than adequate capacity to handle the runoff. This waiver is recommended for approval because it is going to an existing facility and is a small development. On-site SWM would be very impractical.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, on-site stormwater management waiver request no. 10-92 was approved.

Re: Discussion regarding parking at Courthouse Square.

The City Manager stated that this is a continuation of previous discussions by the Mayor and Council regarding the possibility of providing four additional parking spaces at Courthouse Square. The Mayor and Council preliminarily gave approval contingent upon consultation with the Planning Commission and a survey of attitudes of area businesses. The Planning Commission does not object to the specific addition of four spaces, but referenced a larger issue to discuss at a later time. The attitudes of local businesses are wide and varied.

Based upon the survey responses, Councilmember Coyle asked if staff's position had changed on this issue. The City Manager responded that, originally, the idea came from the Town Center Business Association. A number of reactions, however, suggest that while the four spaces will not provide much benefit, there is no opposition to their placement.

Councilmember Marrinan noted that, at least as an interim measure, it should be of some help. The Planning Commission will revisit the whole question of future uses of Courthouse Square, and he is interested in hearing their comments.

Courthouse Square to through traffic. She has observed that cars are already parking in the area recommended for the addition of four parking spaces as well as on the other side which would create a fire access problem. The pedestrians tend to walk through the gazebo and on the sidewalks, leaving the center area empty. The City needs to address the Courthouse Square issue and work to resolve the problem.

Councilmember Coyle stated that when the weather changes, the emptiness of the square will change dramatically. We should give it some time to see if the reworking of the Square is having the anticipated effect. The closing has little to do with parking. The stores are destination shopping

rather than drive by; thus, there is little business caused by people driving through.

Councilmember Krasnow referenced the issue of delivery trucks and the chaotic parking situation.

Councilmember Marrinan emphasized that there is a problem that needs to be addressed. He is unsure as to what enforcement can accomplish. Unhappiness was expressed by commercial tenants and residents. We need to address this on a short-term basis until we receive feedback from the Planning Commission as to any long-term recommendations they may have.

The City Manager noted that all short-term spaces have been signed. There is no question that we have taken a tolerant approach on enforcement; because it was new, we took a wait and see approach. There are still a lot of contractors in the area, and some of the alleged violators are city and county vehicles. With respect to city vehicles, this is now under control.

The issue of enforcement itself prompts a dilemma in that the very people who are requesting enforcement will probably be the recipients of traffic tickets. With better weather, the area will have a different appearance, and the square will be filled with tables and umbrellas.

Mayor Duncan stated that he would like to see enforcement in this area. There is adequate parking in Town Center with the free parking on Middle Lane and the Metro Center Garage. The Recreation staff is working very hard in planning for a full range of programs in Courthouse Square. We have built an urban park, and now we should use it. In order for the design to work as it was intended, we should wait until the summer season is over before considering any changes in the current configuration.

Mayor Duncan requested that Mr. Whalen's concerns regarding the "no left turn" and "loading zone" at The Victoria be addressed, and staff will follow up in this matter.

S5,000 for signage associated with the addition of the four parking spaces were still contemplated for expenditure. Because the entire design of the square needs to be revisited, she expressed concern with spending that sum of money. The City Manager responded that the signage should be erected. However, if this is to be an experiment or temporary measure, staff could try some less costly alternative. Councilmember Krasnow commented that, as mentioned during Citizens Forum, citizens would be happy to sit down and work with staff and asked if there is some means to meet with the parties involved.

The City Manager noted that the Town Center Business Association would be the appropriate entity to undertake this issue. There is a representative from The Victoria on the Town Center Business Association.

As to enforcement, Councilmember Coyle suggested an analysis be done of the users likely to come to Courthouse Square and that notice be given to these users as to the regulations for parking.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to add the four short-term parking spaces in the most cost-effective manner and to begin enforcing existing parking regulations. The Town Center Business Association will be requested to review the entire Courthouse Square issue.

Re: Discussion and Instructions to Staff regarding a proposal to establish a compensation commission which would set compensation levels for City elected officials.

Councilmember Coyle commented that one option would be to appoint an ad hoc group rather than a standing committee. He supports the concept of a review on a regular basis by citizens and would like to see us move forward on an ad hoc rather than a standing commission basis.

Mayor Duncan noted that Councilmember Robbins was on business travel and had asked Mayor Duncan to relay his comments on this issue. Councilmember Robbins would favor a one-time compensation commission to review and set compensation levels of the Mayor and Council to become effective after the 1993 election with cost-of-living adjustments in subsequent years. He would not favor a continuing commission.

Councilmember Marrinan commented that, going back to 1956, it appears that Mayor and Council salaries were adjusted every seven years, with one 14-year period. He emphasized the need for a systematic approach for setting compensation levels.

Councilmember Coyle disagreed with the cost-of-living and reinforced his suggestion of an ad hoc committee, indicating that citizens should have input into what the part-time Mayor and Council receive.

A procedural question was raised by Councilmember Krasnow, i.e, if the Mayor and Council reject the commission's recommendations, would the prevailing rates continue to apply. The City Attorney responded that an alternative could be added to the Mayor and Council decision making process wherein they could approve or disapprove the commission's recommendations or select an amount not to exceed that recommended by the commission.

Mayor Duncan stated that he would not vote in favor of the creation of this commission. While he is not opposed to compensation increases, with the fiscal problems currently being experienced by municipalities, he does not feel this action is sending the right message at this time.

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He also indicated that current compensation levels are more than adequate.

The City needs a process for setting compensation that people understand, and Councilmember Coyle stressed the importance of how the compensation of elected officials is perceived.

Councilmember Marrinan emphasized that whatever is done will not take effect until after the 1993 election, and there is a need to systematically address this issue.

Councilmember Marrinan moved that a compensation task force be created to review the compensation of the Mayor and Council. The commission would meet every six years to make recommendations for salary adjustments to become effective for the Mayor and Council elected in the following November. Following the commission's recommendations, the terms of the members would expire. The motion was duly seconded.

Councilmember Coyle moved to amend the motion to indicate that the appointments would be made in December of even-numbered years with a decision by the commission to be due by March in the following year. The amendment was duly seconded.

The motion, as amended, was duly adopted with Councilmembers Coyle, Krasnow and Marrinan vote aye and Mayor Duncan voting no.

Re: FYI/C

FYI/Correspondence

City Refuse Rates and County Tipping Fees

County's increase in tipping fees by controlling our own costs on the collection side. In the past, the County's justification for these increases has been increased volume. Now, with the effect of recycling, the justification for increases is that there is not enough refuse going to the landfill. This

issue needs to be resolved, and staff is following up in this matter.

West Montgomery Avenue Update

Concern was expressed by Councilmember Krasnow regarding construction of the brick driveways, and she wondered if homeowners had been notified. The City Manager responded that there is a regular reporting system being established, and staff will ensure that this item is included.

Re: New Business

The issue of Rockville Science Day Awards was referenced by Mayor Duncan, and the City Manager responded that the Science and Technology Commission had been advised that seed money would be provided by the City.

Councilmember Coyle attended the Human Resources Public Safety Committee meeting of COG. This is a combined effort of the former Human Resources Committee, of which Councilmember Robbins is a member, and the Public Safety Committee, of which Councilmember Coyle is a member. The issue of having a stand-in when elected officials cannot participate was raised. The substitute system needs to be reinforced. Councilmember Marrinan noted that when the committees were consolidated, the decision was made that both existing members should continue on with the committee the first year. Thereafter, just one member from each jurisdiction will serve.

The National Safe Kids Campaign will be underway soon, and Councilmember Coyle will speak at their annual conference. The local Safe Kids group will be coming in with a proposal wherein helmets would be provided at a minimum/reduced cost to students at Maryvale. This will be a demonstration program countywide of a public-private partnership and should benefit as many as several hundred local children. A contribution of \$500-\$1,000 by the City would be helpful, and Councilmember Coyle feels that this is a good program for the City to support.

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Re: Next Meeting

The FY93 budget will be presented at the next General Session meeting on April 13, 1992.

Re: Adjournment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the meeting was adjourned at 9:47 p.m., to convene again in Worksession at 7:00 p.m. on April 6, 1992, or at the call of the Mayor.